



## **Counter Notice following objection to standard temporary events notice**

### **Licensing Act 2003, section 105**

On 18<sup>th</sup> October 2019, The Licensing Authority received from Jack Robert Little a temporary event notice ("the notice") in respect of proposed temporary licensable activities due to take place on 30<sup>th</sup> November & 1<sup>st</sup> December 2019 at Marvin's, Henry Street, Lytham.


Having received an objection from a relevant person, and having held a hearing to consider the objection, the licensing authority considers it appropriate for the promotion of a licensing objective to give this counter notice.

The reasons for the licensing authority's decision are set out in the further notice given with this notice.

A copy of this counter notice and the further notice will be sent to the chief officer of police for the area in which the premises specified in the temporary event notice you gave are situated.

Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision. An appeal under this paragraph must be made to the magistrates' court for the area in which the premises concerned are situated. An appeal must be commenced within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against. But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

Under section 136 of the Licensing Act 2003 a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding Scale 5 on the standard scale, or both.

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| SIGNATURE<br> | On behalf of Fylde Council<br><br>Chris Hambly | DATE<br><br>30/10/19 |
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## **Notice setting out reasons for giving a Counter Notice**

### **Licensing Act 2003, section 105**

On [Date of counter notice], The Licensing Authority gave a counter notice in response to a temporary event notice ("the notice") in respect of proposed temporary licensable activities due to take place on 30<sup>th</sup> November & 1<sup>st</sup> December 2019 at Marvin's, Henry Street, Lytham.

This notice sets out the reasons for the licensing authority's decision to give the counter notice. The reasons for the decision are listed below:-

The Panel note that there are five separate temporary events notices under consideration. However, each raised identical issues, so the decision we have made applies to each of them.


The Panel have made their decision taking into consideration the evidence given by Mr. Dent, representing the Environmental Protection Team. The Panel agree with the points made by Mr. Dent concerning the general noise levels in the vicinity of Henry Street and complaints received from local residents. The Panel appreciate the comments received by Mr. Huckerby stating that he would manage the control of patrons leaving their premises and the proposals to reduce noise nuisance as described to the Panel. The Panel also acknowledge Mr Huckerby's efforts in working with both the police and the local authority.

The Panel are concerned that the noise issues still remain in the vicinity of Henry Street and continue to be reported to the Environmental Protection Team despite efforts on behalf of the applicant to resolve matters.

The Panel feel that the applicant is striving to fulfil the conditions but as yet these have not been fully achieved and as a consequence, would not achieve the prevention of public nuisance objective. In view of this, the Panel cannot allow the TEN application.

Accordingly, the panel consider it appropriate to serve counter notices to prevent the events from proceeding.

A copy of this notice will be given to the chief officer of police for the area in which the premises specified in the temporary event notice you gave are situated.

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| SIGNATURE<br> | On behalf of Fylde Council<br><br>Chris Hambly | DATE<br><br>30/10/19 |
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